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DISTRICT OF RHODE ISLAND

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To the Bankruptcy Community:

Re: Bankruptcy Reform Act of 2005 - Provisions that are Effective Immediately

On **April 20, 2005**, President Bush signed into law S. 256, the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2005”, Public Law 109-8. Although a majority of the sections included within this law do not become effective until 180 days after its enactment on **October 17, 2005**, there are several provisions that became effective immediately.

The below chart is provided as a courtesy and service to the practicing bar. While reasonable efforts have been taken to be as accurate as possible in compiling this information, we do not warrant that the contents are accurate in every respect. Therefore, readers are urged to consult the applicable provisions of the legislation and not to rely on this document for any specific purpose or transaction.

Section of S. 256	Code Amended	Effective	Summary
1213	11 USC § 547	Any case pending/commenced on or after Date of Enactment	Preferences
1221	11 USC § 363(d), 541 & 1129(a)	Any case pending/commenced on or after Date of Enactment	Transfer by Non-Profit Corps.
1234	11 USC § 303	Any case pending or commenced on or after Date of Enactment	Involuntary Cases
308	11 USC § 522	Date of Enactment	Homestead exemptions
322	11 USC § 522.	Date of Enactment	Homestead exemptions

330	11 USC § 727(a), 1141(d), 1228, & 1328	Date of Enactment	Debtor's discharge
1401	11 USC § 507(a)	Date of Enactment	Look-back period
1402	11 USC § 548	Date of Enactment	Look-back period
1403	11 USC § 1114	Date of Enactment	Reinstatement of retiree benefits
1404	11 USC § 523(a)(19)(B)	Date of Enactment	Dischargeability of debts
1405	11 USC § 1104	Date of Enactment	Appointment of trustee
324	28 USC § 1334	Date of Enactment - applicable to cases filed after enactment	Exclusive jurisdiction
1003	11 USC § 1222(a)(2)	Date of Enactment - shall not apply to cases commenced before such date.	Governmental unit claims

Also, Section 1001 of the bill permanently reenacts Chapter 12 protection effective **July 1, 2005**. The entire bill is available for immediate review on the Legislative Information page for the Library of Congress website at <http://thomas.loc.gov/>.

Thank you in advance for your attention in this matter.

Sincerely,



Susan M. Thurston
Clerk of Court